

REMARKS

Request for Reconsideration

Applicants have carefully considered the matters raised by the Examiner in the outstanding Office Action but remain of the opinion that patentable subject matter is present. Applicants respectfully request reconsideration of the Examiner's position based on the above amendments to the claims and the following remarks.

Claims Status

Claims 1-20 are pending in this Application. Based on a previous Election, Claims 6, 7 and 9-12 have been withdrawn. Currently under prosecution are Claims 1-5, 8 and newly added Claims 13-20. Newly added Claims 13-20, like Claims 1-5 and 8, use a toner that includes at least two metal salts. Thus, it is proper for Claims 13-20 to be included in the prosecution of Claims 1-5 and 8.

Newly added Claims 13-20 are based on original Claims 2 and 3, page 11, lines 18-25 and the passage on page 15, line 20 through page 16, line 11. Thus, no new matter has been added.

Claims 1, 5, 6 and 8 use the term "nip area" rather than "nip member". It is deemed that the term "nip area" is more definite and more particularly points out and distinctly claims the Invention. Looking at Figures 1 and 2, the nip area is that area of contact between endless belt 2 and heat roller 1, starting with roller 9 and ending with roller 6.

Claims 1, 2, 3, 6, 8, 9, and 10 have been amended herein to refer to the endless belt as a "rotatable heating fixing member" rather than a "heating fixing rotor". It is deemed that the term "rotatable heating fixing member" is more definite than "heating fixing rotor".

Claim 1 has further been amended to delete the terms "compressibly" and "occurred" since these terms are deemed redundant given the limitation that the contact "creates a large distortion in the elastic body layer in the vicinity of the outlet thereof...".

Claim 8 has been amended herein as suggested by the Examiner to add the limitations of Claims 6 and 7.

Because of the newly added independent claim, the government fee an independent claim over 3 is being paid concurrently herewith.

Specification Amendments

The Specification has been amended herein to refer to the nip member as a nip area. Such amendment is deemed to more accurately reflect that area between the endless belt 2 and the heat roller 1.

Additionally, it was noted in reviewing the Specification that the temperature evaluation on page 107 was evaluated with circles, triangles and X's while Table 4 on page 110 used an alphabetical characterization. In order to conform Table 4 on page 110 with the description of the evaluation on page 107, Table 4 has been amended herein to reflect the designation of the evaluation used on page 107. It is submitted that it is obvious that the alphabetical designation in Table 4 represented with respect to the designation used on page 107. Thus, no new matter has been added.

Double Patenting Rejection

Claims 1-5 and 8 had been rejected on the grounds of non-statutory obviousness-type double patenting as being unpatentable over Claims 1-22 of U.S. Patent 6,821,695. A Terminal Disclaimer with respect to the '695 Patent is being prepared and will be submitted shortly.

Prior Art Rejection

Claims 1-5 and 8 have been rejected as unpatentable over either Ishibashi or Hideo, taken individually. Applicants respectfully traverse this rejection.

The claims that are currently under prosecution present at least two unique features which are neither taught nor suggested in either Ishibashi or Hideo. First, the method as recited in Claims 1, 8 and 14, require that a nip area be formed by a pressurizing member which is in contact against a rotatable heating fixing member. When viewing Figures 1 and 2, this nip area is formed between endless belt 2 and heat roller 1, the pressurizing member being rollers 6 and 9. By using the nip area, a larger range of fixing temperatures is available for fixing the toner onto the recording medium. Neither Ishibashi nor Hideo teach using a nip area.

The second unique aspect of the present Invention is that two metal salts are employed in the toner having different valences and having the relationship given by Formula (1). Neither Ishibashi nor Hideo teach using two metal salts having different valences where the amount of salts in the toner satisfies Formula (1).

As taught in Table 4, using the combination of the specific toner and nip area, a large range of temperatures is possible, see Toner Nos. 1 through 3 and 5 through 6 (note Toner 4 did not use two metal salts but was made through a salting out/fusing resin method and, thus, falls within Claim 6 but not within the claims that are currently under prosecution).

Neither Ishibashi nor Hideo teach a process for forming an image wherein the image is formed using a nip area that employs a pressurizing member and a rotatable heating fixing member so as to form the nip area. Thus, it is submitted that the process as recited in the claims is neither taught nor suggested in Ishibashi or Hideo.

With respect to Formula (1), it is noted that neither Ishibashi nor Hideo teach that the toner is made such that it falls within Formula (1) as recited in Claims 1, 8 and 14. It may be true that Ishibashi and Hideo teach using different inorganic salts for aggregation and termination, however, it is not seen how one of skill in the art would arrive at Formula (1) based on the broad teaching of Ishibashi and Hideo, specifically, since Formula (1) requires a balancing of the salts to arrive at Formula (1). Neither Hideo nor Ishibashi teach or suggest such a balance.

In view of the foregoing, it is respectfully submitted that the claims presented herein are patentable over Ishibashi and Hideo since neither Ishibashi nor Hideo teach using a nip area to fix the toner onto the recording medium and because they do not teach or suggest the specifics of Formula (1) as recited in the claims.

Conclusion

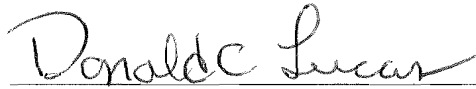
In view of the foregoing and the enclosed, it is respectfully submitted that the Application is in condition for allowance and such action is respectfully requested.

Should any further fees or extensions of time be necessary in order to maintain this Application in pending condition, appropriate requests are hereby made and authorization be given to debit account #02-2275.

Respectfully submitted,

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